AC Strategies

**1) Version 1:**

Section 1

Section 2 (no constitutionality + no charged)

Section 3 (with punishment)

Section 4 (violation 2 + 3 or 1 + 2)

Section 5

**2) Version 2:**

Section 1

Section 2 (charged)

Section 3 (without punishment)

Section 4 (violation 2 + 3 or 1 + 2)

Section 5

**3) Version 3:**

Section 1

Section 2 (constitutionality AND charged)

Section 4 (all 3 violations)

Section 1 is the ***meta***-framework:

All people are created equal. There is no inherent quality in human beings that sets them apart from their peers. Regardless of race, sexual orientation, or skin color, human beings have had, and always will have, equal worth. This means treating people differently under the law requires a justification, putting the burden of proof on the negative to show that juveniles charged with violent felonies ought to be treated differently from adults in the criminal justice system.

Therefore, vote affirmative absent a reason to negate.

Section 2 is the framework:

All unspecified definitions are from Black's Law[[1]](#footnote-1) dictionary.

Charge---**To accuse**

Thus, the juvenile in question has only been accused, not convicted. Accusation doesn't imply guilt. This is most in line with common usage: if we say -- she has been charged with murder -- that would imply that she has been accused, not yet convicted. Prefer commonly used definitions because words only derive meaning from how they are used. Thus, because punishment assumes a guilty juvenile, whom the resolution does not assume, such arguments are not textual.

According to Merriam-Webster[[2]](#footnote-2) dictionary, ought is

used to express obligation

Prefer this definition because it is the most commonly used. The Online Etymology Dictionary[[3]](#footnote-3) furthers:

**[The main modern use of ought is] As an auxiliary verb expressing duty or obligation** ~~(~~c.1175, the main modern use), it represents the past subjunctive.

Common usage is the most important standard in determining the legitimacy of definitions because words can only obtain meanings by how they are used.

The actor in the resolution is the government because it is the only actor capable of treating juveniles charged with violent felonies as adults. Thus, the value for the round is fulfilling governmental obligations.

Since the negative has the burden of proof, it must show that treating juveniles charged with violent felonies differently from adults fulfills governmental obligation. If the negative does not do so, vote aff as per the analysis above.

We must now analyze what is necessary to fulfill government obligation. The New Oxford dictionary[[4]](#footnote-4) defines obligation as a "duty or commitment." I contend that the government has two commitments:

First, the primary government obligation is to protect citizens. Governments are created and given authority for the purpose of protecting their citizens, thus, that is their primary obligation. **Kennan[[5]](#footnote-5) furthers**:

**The interests of the national society for which government has to concern itself** are basically those of its military security, the integrity of its political life and the well-being of its people. These needs **have no moral quality. They arise from the very existence of the national state in question and from the status of national sovereignty it enjoys. They are the unavoidable necessities of a national existence and therefore not subject to classification as either "good" or "bad."**

End quote. This is true both normatively and empirically, as legitimate governments in the real world are always looking to take the best possible action to protect their citizens. If this were not true, there would be no rational reason we would consent to being governed, as the government could abuse our rights.

Second, even though protecting citizens is the primary governmental obligation, the government also has side-constraints on its actions. The government should not and does not take actions like instituting slavery or going to war with weaker countries even though such actions may ultimately protect lives. This is because there are limits, i.e. side-constraints, on government action.

The ultimate contractual agreement in the US legal system is the Constitution, which functions as an unbreakable side constraint on government decisions for three reasons

A) a Constitutional lens is necessary for an evaluation of role-specific duties. The resolution specified the US, meaning our discussion isn’t hypothetical but grounded in the real world; the resolution affects the actions of specific agents. Thus, discussing justice in general would be totally abstracted from the resolution. The Constitution is the measure of justice specific to the agent in the resolution.

B) transcendent notions of criminal justice procedure don’t exist. There is huge cultural variation in the meaning of criminal justice procedure. Australian suspects do not have a right to remain silent, Germany and India don’t have trial by jury, and most of Europe and Latin America reject an adversarial trial system. Thus, the only source of justice is to be found in culturally specific Constitutions.

Furthermore, even if there transcendent ideas of justice, it is dangerous to hold them above a written Constitution. Blind assertions of justice can legitimize any popular practice if there is no written and objective final authority to check it against. A written constitution stops those with power from reinterpreting justice to advance their agenda.

C) the Constitution sets forth a side constraint on US action in that it explicitly limits what the government otherwise has the power to do. Because the power of the government rests in the consent of the states and the general public, to break the constitution would be to destroy its legitimacy, and eliminate its authority to govern. This is supercharged by the fact that those in power of the government have sworn to abide by and protect the Constitution.

Thus, a necessary side constraint on government action is maintaining consistency with the constitution. Therefore, if I show that the negative world is not consistent with the constitution, or if the aff is more consistent with the constitution, vote affirmative regardless of how the net benefits debate plays out.

Thus, to garner offense, the neg must show that treating juveniles differently from adults protects citizens AND does not violate any side-constraint on government action. If both sides violate a side-constraint, we weigh the violations against each other because the resolution mandates some action be taken, meaning the government can't do nothing.

My thesis is that not treating juveniles as adults violates side-constraints and isn't net beneficial.

Section 3 is the net benefit:

**( ) Deterrence (Punishment):**

I contend that treating juveniles as adults increases deterrence. Summarizing Levitt's study, **Yahya[[6]](#footnote-6) explains:**

The economist Steven Levitt conducted the most direct study of juvenile crime. 162 In his ground-breaking study, Professor **Levitt examined the relationship between punishment and crime committed by juveniles for the period 1978-1993.** 163 In his **study, he found that juveniles are deterred by punishment. 164 He also found that similar punishments had similar effects on deterring juveniles and adults. 165 [First,] During his study, he observed that [violent] juvenile crime rates**, especially violent crime rates, **had been rising faster than adult crime rates. He also noted that juvenile punishment had fallen in severity by half during this time period, while the severity of adult punishment had risen by over 60%. [Second,]** Using data from across the United States, Levitt was able to study the relationship between the variation in punishment across states and the rate of juvenile crime in those states. 168 Levitt looked at the impact of the incarceration rate on the number of crimes committed by juveniles. 169 **He found that there was a statistically significant negative relationship between the two variables.** 170 **He estimated that for each delinquent incarcerated, there was a reduction of between 0.49 and 0.66 violent crimes per year.** 171 For property crimes, the reduction was between three and four crimes. 172 The adult custody rate was also negatively associated with the juvenile violent crime rate, although it was positively associated with property crimes. 173 Since juveniles who commit violent crimes may continue this pattern of behavior in their adult life, juveniles who perceive that adults receive harsher sentences for committing violent crimes would be less likely to commit violent crimes. If adults are being harshly punished, this lowers the return for adults who are committing crimes today. Property crimes, on the other hand, do not seem to have this continuity effect, i.e., juveniles associating harsh adult sentences for property crimes with the likelihood that the same harsh sentences will apply to them one day. Another interesting fact is that if adults are being incarcerated longer for property crimes, there are more property crime opportunities for juveniles. 175 Levitt then examined the impact of punishment on adult crime. He found that adding one more adult prisoner to the adult prisoner population lowered adult violent crime by between 0.12 and 0.69 crimes per year, and by between one and three property crimes per year. 176 Recall that juvenile violent crimes were reduced by between 0.49 and 0.66 per year and property crimes by between three and four in response to one extra juvenile being incarcerated. 177 Punishment, therefore, has an, equal, if not greater, deterring effect on juveniles than adults. This suggests that juveniles have a more elastic demand for crime than adults do and, it also calls into question the underlying assumptions of the Roper decision.

End quote. This means I control the internal link to recidivism. Recidivism is only possible if juveniles commit crime the first time around, and my evidence indicates that juveniles are much less likely to originally commit crimes in the aff world. However, even if recidivism is true, it doesn't outweigh the amount of criminals deterred from committing crime. Also, juveniles themselves admit that they are less likely to commit crimes once they can be tried as adults. Glassner[[7]](#footnote-7) et al writes:

In summary, **most of the adolescents studied reported that they curtail involvements in criminal activities at age 16, because they feared being jailed if apprehended as adults. They treat the period prior to age 16 as one for experimenting with criminal behaviors, while viewing late adolescence as a time for giving up such involvement unless one is ready to make a longterm commitment and face substantial risks in so doing.** In fact, the belief that juveniles under 16 cannot be severely punished in New York state is not entirely accurate. State law includes a series of provisions that call for restrictive placement of 13 through 15 year olds who commit any of several felony offenses. This placement includes a greatly extended term of confinement, and mandatory periods in high security prisons (Paulsen, 1979). Additionally, legal criteria have a lesser impact on severity of disposition in juvenile court than do substantive criteria such as family and social problems (Horwitz and Wasserman, 1980). What does the finding tell us about the process of deterrence? Deterrence studies have suggested the importance of distinguishing between expectations of punishments and expectations of severity of punishment, and between the perceived sanctions and the actor's actual experience in criminal activities. **Our research** does not permit us to separate all of these variables, but it does **indicate[s] a specific and unique deterrence effect among adolescents: the widespread perception among youths in a community, of serious legal sanctions awaiting them at age sixteen.** It is ironic that juvenile courts appear to serve some of their intended purposes, despite the many problems that have been noted about them. They are juxtaposed to adult courts, at least in the mythology of adolescents: by appearing benign compared to adult courts they may prevent some criminality, and possibly thwart criminal careers.

End quote. Prefer this study because it interviewed actual adolescents, so it's not hypothetical.

**( ) Deterrence (No Punishment):**

I contend that trying juveniles as adults reduces recidivism. The fairness of proceedings is the internal link to the likelihood of the kid committing crimes. Puritz and Majd[[8]](#footnote-8) explain:

**Children’s perceptions of the fairness of** delinquency **proceedings can have therapeutic consequences. Research suggests that people who believe they were treated fairly feel more obligated to obey the law, and these feelings are sustained over time. Conversely, children who are not allowed to meaningfully participate in proceedings lose respect for the law, and are less likely to disclose important information and comply with orders issued by a judge**. Likewise, encouraging innocent youth to plead guilty so they can receive services is likely to “foster cynicism” and make children lose trust in the integrity of the system.

End quote. And, trials in the affirmative world are more fair than trials in the neg world because I guarantee the right to trial by jury. Juries ensure a fair interpretation of the facts. Segadelli[[9]](#footnote-9) argues:

A jury trial is necessary in juvenile delinquency proceedings in order to ensure accurate and fair fact finding. **Studies have shown that judges and juries can reach opposing verdicts, even when presented with the same evidence.** [**128**](http://web.lexis-nexis.com.shs-13.scarsdaleschools.k12.ny.us:2048/scholastic/document?_m=4b06f6a3aaa1a81dcf4f61577aa5c1f1&_docnum=6&wchp=dGLzVtz-zSkVk&_md5=180c078a0add80e6afa4716ff4d945ba#n128) **Fact finding by a jury is necessarily a more reasoned process than fact finding by an individual, because the defendant, case, evidence, and facts are viewed by multiple people who must reach a consensus of guilt in order to convict, ensuring that very few evidentiary questions and facts go unanswered or unaddressed.**

End quote. Even if juries are biased towards juveniles, my argument is that judges are even more biased, so juries are still preferable. And, judge bias is worse than jury bias since there are checks on juries (such as the pretrial selection processes, the fact that the decision has to be unanimous etc.) but there are no checks on judges. Kropf concludes:

. **Juveniles may be harmed when they expect to see a jury-an expectation based perhaps on images from television and films or from contact with adults in the criminal system-and are faced only with a judge; [And],their perception of the juvenile justice system and its fairness toward them is plainly an important factor in their amenability to rehabilitation.**

End quote.

Section 4 is the side-constraints:

**Violation ( ) is the constitution:**  
The Constitution requires rejecting arbitrary action. The Supreme Court has ruled that the government at all levels is constitutionally committed to reject arbitrary action toward its citizens. In *Hurtado v. California* (110 U.S. 516, 527 (1884)), the Supreme Court held that the due process clause “intended to secure the individual from the arbitrary exercise of the powers of government.” In *Wolff v. McDonnell* (418 U.S. 539, 558 (1974)), the Supreme Court held that “The touchstone of due process is protection of the individual against arbitrary action of government.” The Constitution sets forth the side constraint on US action in that it explicitly limits what the government otherwise has the power to do. Because the power of the government rests in the consent of the states and the general public, to break the constitution would be to destroy its legitimacy, and eliminate its authority to govern.

This side constraint is only violated if the arbitrariness is codified. It is inevitable that some people will experience injustice in the criminal justice system; some judges will be racist and some police will plant evidence. This should be minimized, but it does not trigger a side-constraint because if it did, we could never have a criminal justice system since some procedural breakdowns are inevitable. Also, there is an appeals process to solve for one-off rights violations. However, if people's rights are DEFINED AWAY from the start, that is an uncheckable harm.

Also, the side constraint is only violated if the government takes the action, because only the government can act categorically and codify policy.   
  
According to Black's Law[[10]](#footnote-10), a

Juvenile is—**A person who has not reached the age** ~~(~~usually 18~~)~~ **at which one should be treated as an adult** by the criminal justice system.

and an Adult is —**A person who has attained the legal age of majority, generally 18.**

Thus, the legal distinction between juveniles and adults is there age. I contend that distinctions based on age are inherently arbitrary. For example, you don’t become an adult in Alabama until you are 19. In California, it’s 18. In Albania, it’s 14. And Egypt, it’s 21. This variance betrays inherent arbitrariness because the juvenile adult dichotomy is necessarily both over-inclusive and under-inclusive. **Graham[[11]](#footnote-11)** argues:

“**Individuals mature at different rates, and sometimes an individual will hardly mature at all** in certain respects (some people remain childish to the end of their days). Conversely, some people mature long before others, and precocity of this sort is especially marked, perhaps, in matters requiring intellectual competence. But **this means that you can take any age-limit you like, and there will always be people *below* the age limit who, because they have matured earlier, are *more* competent that some who are *above* it**. If so, there will be things that they are forbidden to do, on the grounds of immaturity, which they are in fact more competent to do than many of the people who are already permitted to do them. **What this shows is that *any* specific age-limit will include some people who are incompetent and exclude some who are competent. But since the justification for restricting individual freedom in accordance with age-limits is supposed to be that they provide a dividing line between the competent and the incompetent, this shows that they are in fact without justification**.”

End quote.

Lastly, presume affirmative absent a clear negative ballot because the negative starts out the round with all the advantages like longer rebuttal times and the ability to adapt to the AC, so if we come out even I've done the better debating.

**Violation ( ) is culpability:**

Treating juveniles differently from adults requires that the juvenile justice system accurately assess the culpability of juveniles. Assessing culpability is a necessary concern in any criminal law proceeding. **Morse[[12]](#footnote-12) writes**:

According to dominant theories of just punishment, it is unjust to blame and punish anyone who does not deserve to be punished. Desert is thus at least a necessary condition of just punishment. Desert in criminal law is in turn based on a retrospective evaluation of the agent's behavior. **If the criminal law operates by guiding the conscious actions of persons capable of understanding the rules and rationally applying them, it would be unfair and thus unjustified to punish and to inflict pain intentionally on those who did not act intentionally or who were incapable of the minimum degree of rationality required for normatively acceptable cooperative interaction. People who lack the capacity for rational guidance are not morally responsible and should not be held criminally culpable.** They do not deserve to be punished.

End quote. I contend that a system in which juveniles charged with violent felonies are treated as adults takes culpability into account better than the negative. **Ainsworth[[13]](#footnote-13) argues:**

**Only a unified justice system, rejecting arbitrary all-or-nothing categorization, is capable of recognizing the continuum of our actual attributes and accounting for it in devising appropriate and fair sanctions for any individual's criminal law violations. Because there would be no necessity to decide whether individual offenders were "children" or "adults," a unified court system could be more responsive to the actual characteristics of individual actors. Freed of the requirement that an all-or-nothing determination be made, judges could recognize fine gradations in dependency, malleability, and responsibility** as mitigating factors in sentencing. n99 There might well be presumptions about [\*950] the characteristics of an accused based on age, but any such presumptions would always be rebuttable. A unified criminal justice system would contribute to easing the grip of essentialism on criminal justice policies by erasing the indelible line between the status of adult and child, and replacing it with a nuanced continuum.”

End quote. Even if Ainsworth is not true, affirming takes culpability into account as a mitigating factor. Obviously, not all adults are equally culpable, and the status quo accounts for that. For example, mentally insane people are still treated as adults, but their diminished culpability is taken account. The affirmative advocates doing the same for juveniles charged with violent felonies, meaning at worst I solve for all issues of culpability.

Lastly, presume affirmative absent a clear negative ballot because the negative starts out the round with all the advantages like longer rebuttal times and the ability to adapt to the AC, so if we come out even I've done the better debating.

**Violation ( ) is Trial By Jury (Civil/Criminal):**

At the time of McKeiver v. Pennsylvania, juvenile courts were still rehabilitative. Thus, the decision to not grant juveniles the right to trial by jury was justified since the proceedings were not criminal. Gaston furthers:[[14]](#footnote-14)

Essentially, **juveniles receive some of the same rights given adults in the criminal justice system, but not all, because the juvenile system is not criminal or adversarial**. In its string of juvenile justice cases, the Supreme Court has held that some of the guarantees given adult criminals extend also to juveniles--guarantees like notice, right to counsel, cross examination, the right not to incriminate one's self, and the right to have charges proved beyond a reasonable doubt. [FN66] However, the Court has not extended all adult rights, most notably the right to a jury trial, for fear that doing so would, in the words of the Court, "remake the juvenile proceeding into a fully adversary process and ... put an effective end to what has been the idealistic prospect of an intimate, informal protective proceeding." [FN67] **Put simply, the reason juvenile courts need not adhere to the Sixth Amendment guarantee of a jury is that their adjudications are not criminal; if their proceedings were criminal, it would be unconstitutional for juvenile courts to deny this right to their "defendants."**

End quote. If, however, the criminal – civil distinction no longer applies to the juvenile court, the premise of *McKeiver* falls as Walter Marcus explains:[[15]](#footnote-15)

The enactment of LSA-RS 15:902.1 leads us to the conclusion that that day has come. **The determination that a jury trial was not constitutionally required in juvenile adjudications was predicated upon the non-criminal treatment of the adjudicated juvenile delinquent. It therefore stands to reason that if the civil trappings of the juvenile adjudication are sufficiently subverted, then a proceeding without that safeguard is fundamentally unfair, and thus, violative of due process.** With these legal principles established, we turn to the issue now confronting this Court, which is the constitutionality of transferring adjudicated juvenile delinquents to penal facilities, where they will be required to perform hard labor, without first affording them the opportunity to have a jury trial.

End quote. I contend that the juvenile court is no longer civil, but rather criminal.

First, as violent crime rates have risen, the nature of the juvenile courts has changed. **Feld**[[16]](#footnote-16) **explains:**

**The public and political pressures to transfer serious young offenders to criminal courts** also **provide the impetus to get tough and punish more severely the delinquents who remain in juvenile court,** the residue of the triage process**. Several legal and criminological indicators--legislative purpose clauses, court opinions, sentencing statues, empirical evaluations of sentencing practices, assessments of conditions of confinement of institutions, and evaluations of treatment effectiveness--demonstrate that juvenile courts punish young offenders for their crimes rather than treat them based on their real needs.**

End quote. Thus, both systems are fundamentally the same in outlook.

Second, Kropf[[17]](#footnote-17) provides the empirical warrant:

Sentencing provides concrete evidence of the changes in legislative purpose clauses. **By 1997, nearly twenty-five states used determinate or mandatory minimum sentencing.** [FN207] **This type of sentencing is based on the offense committed and not on the juvenile offender.** [FN208] Empirical studies support the idea that juvenile court judges focus more on the offense and less on the offender; the studies strongly suggest that the offender's crime and past criminal record determine the sentenced received. [FN209] **At least nine states allow juvenile judges to impose the same maximum sentences on juveniles as are allowed for adults. [**FN210] **Finally, at least twenty states allow for the same sort of calculation as the Sentencing Guidelines: the use of juvenile adjudications to enhance adult criminal sentences. [**FN211] **The focus on the offense, and not on the offender, suggests that courts have abandoned a rehabilitative, individualistic focus. Instead, by looking at the seriousness of the offense, juvenile court sentencing mirrors adult, punitive sentencing procedures.**

End quote. My argument is only that the nature of both courts is identical, not that they are exactly the same.

Lastly, presume affirmative absent a clear negative ballot because the negative starts out the round with all the advantages like longer rebuttal times and the ability to adapt to the AC, so if we come out even I've done the better debating.

**Violation ( ) is Trial By Jury (Fundamental Fairness):**

The justification for not providing juries to juveniles revolves around the concept of fundamental fairness. Chief Justice Warran E. Burger1 explains:

**All the litigants here agree that the applicable due process standard in juvenile proceedings, as developed by *Gault* and *Winship,* is fundamental fairness**. As that standard was applied in those two cases, we have an emphasis on factfinding procedures. **The requirements of notice, counsel**, confrontation, cross-examination, **and standard of proof naturally flowed from this emphasis.** But one cannot say that, in our legal system, the jury is a necessary component of accurate factfinding. There is much to be said for it, to be sure, but we have been content to pursue other ways for determining facts. Juries are not required, and have not been, for example, in equity cases, in workmen's compensation, in probate, or in deportation cases. Neither have they been generally used in military trials. In *Duncan,* the Court stated, "We would not assert, however, that every criminal trial -- or any particular trial -- held before a judge alone is unfair, or that a defendant may never be as fairly treated by a judge as he would be by a jury."

Though the Supreme Court decided juries are not necessary for fundamental fairness, they got it wrong for 2 reasons:

First, Drizin and Luloff[[18]](#footnote-18) 1 explain why judges are biased:

ability to compartmentalize the information they hear, the empirical evidence demonstrates that this is not the case-exposure to confidential, prejudicial information affects a judge's impartiality. In addition, **in juvenile courts there is a tremendous problem of judges hearing repeated testimony from similar faces or similar stories**. This danger is particularly heightened when judges hear testimony from the same police officers. **There are numerous, documented cases of judges crediting police testimony that was so blatantly false that the prosecution could not have possibly met its burden of presenting a credible witness**. n393 Judges who sit in one courtroom get to know the jurisdiction's police officers, and if a judge forms an opinion that an officer is a "good cop," it creates a natural tendency to believe that police officer is always telling the truth. **In addition to police officers, a judge might have a child in front of her on several occasions, thus giving the judge access to a prior history about the child or the child's family that could taint her ability to be impartial.** Even if the child is in front of the judge for the first time, a judge's experience of hearing years of juvenile cases might make the judge unduly skeptical of the youth's testimony. n395

End quote. Even if juries are biased towards juveniles, my argument is that judges are even more biased, so juries are still preferable. And, judge bias is worse than jury bias since there are checks on juries (such as the pretrial selection processes, the fact that the decision has to be unanimous etc.) but there are no checks on judges.

Second, juries will always be better than judges because they actually employ the guilt beyond reasonable doubt standard. Drizin and Luloff 2 explain:

**For a jury, guilt beyond a reasonable doubt involves both accurate factfinding and a complex determination of moral culpability** and providing a nexus between the government's decision to criminalize an act and the community's sense of justice in the law's application. **Numerous studies have shown "that juries are more likely to acquit than are judges." This sentiment was echoed in the ABA** state **studies with defense lawyers readily acknowledging that judges do not apply a proof beyond a reasonable doubt standard.** n376 **Judges and juries evaluate evidence, sentiments about the law, and defendant sympathy differently, with juries more likely to demand heightened proof of facts** and be more sympathetic to the defendant's youthfulness. n377 While in the majority of jurisdictions that allow juvenile court trials, juveniles rarely invoke the right, n378 a jury can enforce the standard of proof of guilt beyond a reasonable doubt in marginal fact cases. n379 In addition, a jury can reduce prosecutorial over-charging, a result which can reduce the incentive for juveniles to enter a false guilty plea. n380 McKeiver was premised on the idea that judges can be just as accurate in their factfinding ability as juries. n381

End quote. This also creates an additional constitutional violation: The constitution guarantees juveniles to have proof beyond a reasonable doubt of their guilt to be convicted. **Feld:**

*McKiever’s* assertion that accurate fact-finding in delinquency proceedings does not require juries contradicts the Court’s logic and rationale in ***In re Winshi****p***(**397 U.S. 358 [1970]). *Winship***required “proof beyond a reasonable doubt” to convict both delinquents and criminals because of the seriousness of the proceedings and the potential consequences for both juvenile and adult defendants.**

Thus, if juvenile court judges do not apply the standard of proof beyond a reasonable doubt, that is another violation of the constitution.

Lastly, presume affirmative absent a clear negative ballot because the negative starts out the round with all the advantages like longer rebuttal times and the ability to adapt to the AC, so if we come out even I've done the better debating.

Section 5 is the theory preempts:

First, my burden structure is not abusive. It is the most textually appropriate interpretation because it stems directly from the heart of the resolutional conflict since it’s derived from what it means to fulfill a governmental obligation.

If my interpretation is textual, it is reasonable. Because the resolution is the only thing we have coming into the round, textuality is the biggest internal link to predictability. So long as an interpretation is predictable, we should expect the negative to be ready to debate substantively against the arguments in the AC. This is especially true considering how late into the topic we are. Should the negative choose not to substantively respond to my interpretation, don't vote me down because my opponent is lazy.

Second, winning the framework also means winning that this is how governments act IN THE REAL WORLD, meaning rejecting such interpretations of what constitutes fulfilling governmental obligation discourages real world debate. The decision calculus for how governments enact policy in the real world is not as black and white as debaters present it to be.

Real world debate has the biggest internal link to education because education is only useful when we can use it. Knowing about irrelevant information or having a wrong idea about how governments work is both useless and counter-productive in our real lives.

Third, out of round factors lead to unfairness within round through coaches and resources but that doesn’t mean you vote the kids who have those luxuries down because of it. In round fairness is just one of many factors that shapes the overall fairness of the round; so it doesn't make sense to arbitrarily vote off of one factor when there are dozens we must take into account to assess the fairness of a strategy.

Lastly, presume affirmative absent a clear negative ballot because the negative starts out the round with all the advantages like longer rebuttal times and the ability to adapt to the AC, so if we come out even I've done the better debating.

AT NIB Theory

I meet:

An argument is only necessary but insufficient if the negative cannot win the debate by winning one of the two planks in the round but the affirmative can. So, the AC must force the negative to win both section 3 and 4 but allow the affirmative to win section 3 OR 4 to be considered necessary but insufficient.

However, both debaters have the reciprocal opportunity to garner offense on section 4 of the AC, i.e. the side-constraint debate. If the negative shows that negating does not violate a side-constraint and that affirming does violate the side-constraint, the negative wins. If I show that I don't violate a side-constraint and that the negative does, then I win.   
  
Thus, the AC is not necessary but insufficient.

Answer to: side-constraint debate is still necessary but insufficient

The side constraint burden is 100% reciprocal. They have to prove that they do not violate a side constraint, and that I do violate a side-constraint. However, if they prove this, then they have given me a necessary but insufficient burden, because I now have to answer back their arguments about how I violate a side constraint, and then win the arguments that they do violate a side constraint. Proving that I do not violate a side constraint is not a proactive reason to affirm, so the burdens are reciprocal.

1. http://www.blackslawdictionary.com/Home/Default.aspx [↑](#footnote-ref-1)
2. http://www.merriam-webster.com/dictionary/ought [↑](#footnote-ref-2)
3. http://www.etymonline.com/ [↑](#footnote-ref-3)
4. My MacBook. Ask me if ya wanna see it, savvy? [↑](#footnote-ref-4)
5. George Kennan

   Morality and Foreign Policy

   Professor Emeritus at the Institute for Advanced Study [↑](#footnote-ref-5)
6. Moin A. Yahya. Deterring Roper's Juveniles: Using a Law and Economics Approach to Show that the Logic of Roper Implies that Juveniles Require the Death Penalty More Than Adults" Summer, 2006 111 Penn St. L. Rev. 53 Assistant Professor of Law, University of Alberta, Edmonton, AB, Canada. J.D., George Mason University . [Kumar]. [↑](#footnote-ref-6)
7. A Note on the Deterrent Effect of Juvenile vs. Adult Jurisdiction

   Author(s): Barry Glassner, Margret Ksander, Bruce Berg, Bruce [↑](#footnote-ref-7)
8. [1] Patricia Puritz and Katayoon Majd, ENSURING AUTHENTIC YOUTH PARTICIPATION IN DELINQUENCY CASES: CREATING A PARADIGM FOR SPECIALIZED JUVENILE DEFENSE PRACTICE, Family Court Review 2007Katayoon Majd is a senior staff attorney at the National Juvenile Defender Center (NJDC), which provides a range of training, technical assistance, leadership, and capacity building activities designed to improve juvenile indigent defense systems. Before joining NJDC, she gained significant experience representing low-income children of color both as a direct services attorney and as a civil rights attorney.Patricia Puritz has worked as a child advocate in the juvenile justice system for 30 years and currently serves as the Executive Director of the NJDC--an organization dedicated to ensuring excellence [↑](#footnote-ref-8)
9. Jennifer M. Segadelli [2010 JD Candidate Seattle University School of Law], “Access to Justice: Minding the Gap: Extending Adult Jury Trial Rights to Adolescents While Maintaining a Childhood Commitment to Rehabilitation,” Seattle Journal for Social Justice, Spring/Summer 2010, Accessed on LexisNexis [↑](#footnote-ref-9)
10. http://www.blackslawdictionary.com/flash/About.aspx [↑](#footnote-ref-10)
11. Gordon Graham [Henry Luce III Professor of Philosophy and the Arts at Prince Theological Seminary. Ph.D., M.A., Fellow of the Royal Society of Edinburgh]. Contemporary Social Philosophy, 1988, p. 141. [↑](#footnote-ref-11)
12. Morse, Stephen. “Inevitable Mens Rea.” Harvard Journal of Law and Public Policy 27.1 (2003): 51-64. 61.  [↑](#footnote-ref-12)
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